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JAN 14 2000

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2005-2508

RYAN KEITH GILLIAM
254 4th Avenue
La Puente, CA 91746

ACCUSATION

Vocational Nurse License No. VN 182441

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians(Board), Department of Consumer Affairs.
2. On or about October 15, 1997, the Board issued Vocational Nurse License No. VN 182441 to Ryan Keith Gilliam (Respondent). The Vocational Nurse License expired on April 9, 2006 and has not been renewed.
3. In a disciplinary action entitled "In the Matter of the Statement of Issues Against: Ryan Keith Gilliam, Case No. 5932," the Board of Vocational Nursing and Psychiatric Technicians, issued a decision effective October 5, 1997, in which Respondent's application for licensure was granted, and immediately revoked, the order of stayed revocation placed

1 Respondent's license on probation for two (2) years, with terms and conditions. A copy of that
2 decision is attached as Exhibit A and is incorporated by reference.

3 JURISDICTION

4 4. This Accusation is brought before the Board, under the authority of the
5 following laws. All section references are to the Business and Professions Code unless otherwise
6 indicated.

7 STATUTORY PROVISIONS

8 5. Section 2875 of the Business and Professions Code (Code) provides, in
9 pertinent part, that the Board may discipline the holder of a vocational nurse license for any
10 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice
11 Act.

12 6. Section 118(b) of the Code provides, in pertinent part, that the expiration
13 of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during
14 the period within which the license may be renewed, restored, reissued or reinstated. Under
15 section 2892.1 of the Code, the Board may renew an expired license at any time within four years
16 after the expiration.

17 7. Section 2878 of the Code states:

18 "The Board may suspend or revoke a license issued under this chapter [the
19 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

20 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

21

22 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
23 abetting the violating of, or conspiring to violate any provision or term of this chapter.

24

25 "(f) Conviction of a crime substantially related to the qualifications, functions,
26 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
27 conclusive evidence of the conviction.

28

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee."

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

9. California Code of Regulations, title 16, section 2521, states:

“For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare.”

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

11. Respondent is subject to disciplinary action under section 2878, subdivision (f) and 490 of the Code, as defined in California Code of Regulations, title 16, section 2521, in that Respondent has been convicted of crimes substantially related to the qualifications, functions or duties of a licensed vocational nurse, as follows:

a. On or about December 26, 2006, in the Superior Court of California, County of Los Angeles, in a case entitled *The People of the State of California v. Ryan Keith Gilliam* (Case No. 6WW05342), Respondent was convicted by the Court on a plea of nolo contendere for violating one count of Vehicle Code section 4462.5, a misdemeanor (false evidence of registration).

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1 b. The circumstances surrounding the conviction are that on or about
2 October 2, 2006, Respondent unlawfully displayed on the vehicle and presented to a peace
3 officer, a registration card, identification card, temporary receipt, license plate, and a permit that
4 was not issued for the vehicle.

5 c. On or about October 10, 2006, in the Superior Court of California, County
6 of Orange, in a case entitled *The People of the State of California v. Ryan Keith Gilliam* (Case
7 No. 06NM07769), Respondent was convicted by the Court on a guilty plea for violating one
8 count of Penal Code section 666-484, subdivision (a)/488, a misdemeanor (theft with a prior
9 conviction).

10 d. The circumstances surrounding the conviction are that on or about June 2,
11 2006, Respondent stole, took, carried, lead and drove away the personal property of another, to
12 wit: Compact Discs from Target.

13 e. On or about September 4, 2001, in the Superior Court of California,
14 County of Los Angeles, in a case entitled *The People of the State of California v. Ryan Keith*
15 *Gilliam* (Case No. 1JM07305), Respondent was convicted by the Court on a plea of nolo
16 contendere for violating one count of Penal Code section 243, subdivision (e)(1), a misdemeanor
17 (battery against former spouse/fiance).

18 f. The circumstances surrounding the conviction are that on or about
19 September 2, 2001, Respondent willfully and unlawfully used force and violence against his
20 spouse.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dishonest Acts)**

23 12. Respondent is subject to disciplinary action under section 2878,
24 subdivisions (a) and (d) of the Code, on the grounds of unprofessional conduct, in that
25 Respondent committed dishonest acts, as more fully set forth above in paragraphs 11a through
26 11d.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 13. Respondent is subject to disciplinary action under section 2878,
4 subdivisions (a) and (d) of the Code, in that Respondent committed acts which constitute
5 unprofessional conduct as more fully set forth in paragraph 11 above.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board issue a decision:

9 1. Revoking or suspending Vocational Nurse License No. VN 182441, issued
10 to Ryan Keith Gilliam;

11 2. Ordering Ryan Keith Gilliam to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3;

14 3. Taking such other and further action as deemed necessary and proper.
15

16 DATED: January 14, 2008
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18 

19 TERESA BELLO-JONES, I.D., M.S.N., R.N.
20 Executive Officer
21 Board of Vocational Nursing and Psychiatric Technicians
22 State of California
23 Complainant
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Exhibit "A"
Stipulation and Settlement and Decision No. 5932

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOSEPH N. ZIMRING, State Bar No. 185916
Deputy Attorney General
3 300 South Spring Street, Suite 500
Los Angeles, California 90013
4 Telephone: (213) 897-2559

5 Attorneys for Complainant
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7

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSE AND**
10 **PSYCHIATRIC TECHNICIAN EXAMINERS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:)	Case No. 5932
12)	
13 RYAN KEITH GILLIAM)	STIPULATION IN
18372 Camino Bello, Apt. C)	SETTLEMENT AND
Rowland Heights, California 91748)	DECISION
14)	
Applicant/Respondent)	
15)	

16 In the interest of a prompt and speedy settlement of this matter, consistent with
17 the public interest and the responsibility of the Board of Vocational Nurse and Psychiatric
18 Technician Examiners, Department of Consumer Affairs ("Board"), the parties submit this
19 Stipulation and Decision to the Board for its approval and adoption as the final disposition of
20 the Statement of Issues.

21 The parties stipulate the following is true:

22 1. A Statement of Issues, No. 5932, is currently pending against Ryan
23 Keith Gilliam ("respondent") before the Board. The Statement of Issues, together with all
24 other statutorily required documents, was duly served on the respondent on or about May 20,
25 1997, and respondent filed his Notice of Defense (contesting the Statement of Issues) on or
26 about June 3, 1997. A copy of the Statement of Issues is attached as Attachment "A" and
27 incorporated by reference as if fully set forth.

1 2. Complainant, Teresa Bello-Jones, J.D., M.S., R.N., is the Executive
2 Officer of the Board and brought this action solely in her official capacity. Complainant is
3 represented by the Attorney General of the State of California, Daniel E. Lungren, by and
4 through Deputy Attorney General Joseph N. Zimring.

5 3. Respondent is represented by Counsel, the Law Offices of Kimberley J.
6 Laliberte, by and through Kimberley J. Laliberte, Esq., in this matter. Respondent has fully
7 and completely discussed with his counsel the effects of this stipulation.

8 4. Respondent understands the nature of the charges alleged in the
9 Statement of Issues and that, if proven at hearing, the charges and allegations would
10 constitute cause for denial of licensure as a vocational nurse. Respondent is fully aware of
11 his right to a hearing on the charges contained in the Statement of Issues, his right to
12 confront and cross-examine witnesses against him, his right to the use of subpoenas to
13 compel the attendance of witnesses and the production of documents in both defense and
14 mitigation of the charges, his right to reconsideration, appeal, and any and all other rights
15 accorded by the California Administrative Procedure Act and other applicable laws.
16 Respondent knowingly, voluntarily, and irrevocably waives and gives up each of these rights.

17 5. Respondent understands that in signing this stipulation rather than
18 contesting the Statement of Issues, he is enabling the Board of Vocational Nurse and
19 Psychiatric Technician Examiners of the State of California to issue the following order
20 without further process.

21 6. Admissions made by respondent herein are for the purposes of this
22 proceeding, for any other disciplinary proceedings by the Board, and for any petition for
23 reinstatement, reduction of penalty, or application for relicensure, and shall have no force or
24 effect in any other case or proceeding.

25 7. It is understood by respondent that, in deciding whether to adopt this
26 stipulation, the Board may receive oral and written communications from its staff and the
27 Attorney General's office. Communications pursuant to this paragraph shall not disqualify

1 the Board or other persons from future participation in this or any other matter affecting
2 respondent. In the event this settlement is not adopted by the Board, the stipulation will not
3 become effective and may not be used for any purpose, except for this paragraph, which
4 shall remain in effect.

5 8. Respondent admits the truth of each and every allegation set forth in
6 the Statement of Issues in case number 5932, with the exception of paragraph 6, and
7 respondent agrees that cause exists for denying him a license as a vocational nurse.
8 Respondent agrees to be bound by the Board's Disciplinary Order as set forth below.

9 9. Based on the foregoing, it is stipulated and agreed that the Board may,
10 without further notice or formal proceeding, issue and enter the following:

11 **ORDER**

12 A. IT IS HEREBY ORDERED that respondent Ryan Keith Gilliam is granted a
13 probationary license as a vocational nurse for two (2) years on the following terms and
14 conditions.

15 1. **ABSTAIN FROM CONTROLLED SUBSTANCES**

16 Respondent shall completely abstain from the personal use or
17 possession of controlled substances, as defined in the California Uniform Controlled
18 Substances Act, and dangerous drugs as defined in Section 4211 of the Business and
19 Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide
20 illness.

21 2. **ABSTAIN FROM USE OF ALCOHOL**

22 Respondent shall completely abstain from the use of alcoholic
23 beverages during the period of probation.

24 3. **OBEY ALL LAWS**

25 Respondent shall obey all federal, state and local laws, including all
26 statutes and regulations governing the license. Further, respondent shall, within five (5) days
27 of any arrest, submit to the Board in writing a full and detailed account of such arrest.

1 4. **OUT-OF-STATE RESIDENCY**

2 Respondent is required to notify the Board immediately in writing if he
3 leaves California to reside or practice in another state. Respondent shall notify the Board
4 immediately upon return to California. The period of probation shall not run during the time
5 respondent is residing or practicing outside California.

6 5. **COMPLY WITH PROBATION PROGRAM**

7 Respondent shall fully comply with the probation program established
8 by the Board and shall cooperate with the representatives of the Board.

9 6. **ADDRESS CHANGE**

10 Respondent, within five (5) days of a change of residence or mailing
11 address, shall notify the Board's Enforcement Unit in writing of the new address.

12 7. **SUBMIT QUARTERLY REPORTS**

13 Respondent shall submit quarterly reports under penalty of perjury, in a
14 form required by the Board. The reports shall certify and document compliance with all the
15 conditions of probation.

16 8. **NOTIFY EMPLOYER**

17 When currently employed or applying for employment in any capacity
18 in any health care profession, respondent shall notify his employer of the probationary status
19 of respondent's license. This notification to the respondent's current health care employer
20 shall occur no later than the effective date of the Decision. The respondent shall notify any
21 prospective health care employer of his probationary status with the Board prior to accepting
22 such employment.

23 9. **INTERVIEWS WITH BOARD REPRESENTATIVE**

24 Respondent shall appear in person for interviews with the Board, or its
25 designee, upon request at various intervals and with reasonable notice. An initial probation
26 visit will be required within sixty (60) days of the effective date of the Decision.

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10. EMPLOYMENT LIMITATIONS

While on probation, respondent may not work for a nurses' registry, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course.

11. FUNCTION IN LICENSED CAPACITY

During probation, the respondent shall work in his licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

12. VIOLATION OF PROBATION

If respondent violates probation in any respect the Board may seek to revoke probation and carry out the disciplinary order that was stayed. The respondent shall receive prior notice and the opportunity to be heard. If an Accusation or Petition to Vacate Stay is filed against respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final.

12. COMPLETION OF PROBATION

Respondent's license will be fully restored upon successful completion of probation.

B. Statement of Issues No. 5932, paragraphs 1 through 5, inclusive, are admitted.

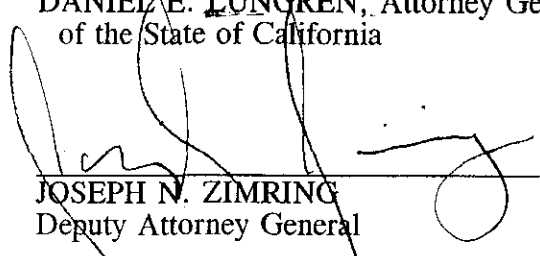
C. The within stipulation shall be subject to the approval of the Board. If the Board fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect for either party.

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1 We concur in the stipulation and order.

2 DATED: 7/25/97

3 DANIEL E. LUNGREN, Attorney General
4 of the State of California

5 
6 JOSEPH N. ZIMRING
7 Deputy Attorney General

8 Attorneys for Complainant

9
10 DATED: 7-22-97

11 
12 KIMBERLEY J. LALIBERTE
13 Attorney for Respondent

14 I have carefully read and fully understand the stipulation and order set forth
15 above. I have discussed the terms and conditions set forth in the stipulation and order with
16 my attorney, Kimberley J. Laliberte, Esq. I understand that in signing this stipulation I am
17 waiving my right to a hearing on the charges set forth in the Statement of Issues filed in this
18 matter. I further understand that in signing this stipulation the Board may enter the
19 foregoing order placing certain requirements, restrictions and limitations on my right to
20 practice in the State of California.

21 DATED: July 21, 1997

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23 RYAN KEITH GILLIAM
24 Respondent
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Made this 5th day of September, 1997.

Charles L. Bennett

7.

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOSEPH N. ZIMRING, State Bar No. 185916
Deputy Attorney General
3 300 South Spring Street, Suite 500
Los Angeles, California 90013
4 Telephone: (213) 897-897-2559
5 Attorneys for Complainant

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8 BEFORE THE
9 BOARD OF VOCATIONAL NURSE AND
PSYCHIATRIC TECHNICIAN EXAMINERS
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11
12 In the Matter of the Statement of)
Issues Against:)

NO.5932

13 RYAN KEITH GILLIAM)
14 18372 Camino Bello, Apt. C)
Rowland Heights, CA 91748)

STATEMENT OF ISSUES

15 Applicant/Respondent)
16)
17)

18 Teresa Bello-Jones, J.D., M.S., R.N., as causes for
19 denial of Ryan Keith Gilliam's application for licensure as a
20 vocational nurse, alleges:

21
22 1. Complainant Teresa Bello-Jones, J.D., M.S., R.N.,
23 makes and files this statement of issues in her official capacity
24 as Executive Officer, Board of Vocational Nurse and Psychiatric
25 Technician Examiners, Department of Consumer Affairs.

26 / / /

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1 2. Under Business and Professions Code section 2866,
2 the Board of Vocational Nurse and Psychiatric Technician
3 Examiners may deny a vocational nurse license when it finds that
4 the applicant has committed any acts which are grounds for denial
5 of licensure under section 480 of that code.

6 Under Business and Professions Code section 480, the
7 Board may deny a license when it finds that the applicant has
8 been convicted of a crime substantially related to the
9 qualifications, functions, or duties of a licensed vocational
10 nurse, or knowingly made a false statement of fact required to be
11 revealed in the application.

12
13 3. On or about August 26, 1996, the Board of
14 Vocational Nurse and Psychiatric Technician Examiners received an
15 Application for Vocational Nurse Licensure from Ryan Keith
16 Gilliam. On August 9, 1996, the application was certified under
17 penalty of perjury as to its truth and accuracy by Ryan K.
18 Gilliam.

19
20 4. Respondent's application is subject to denial under
21 Business and Professions Code section 480(a)(1) in that he was
22 convicted of crimes substantially related to the qualifications,
23 functions or duties of a vocational nurse in the following
24 respects:

25 a. On April 27, 1989, he was convicted by the court on
26 his plea of guilty to violating Penal Code section 484(a) (petty
27 theft) in the case entitled People v. Ryan Keith Gilliam,

1 Municipal Court of the Citrus Judicial District, County of Los
2 Angeles, Case Number 89M05477. The circumstances of the crime
3 were that on or about April 6, 1989, while at the Puente Hills
4 Mall, Industry, California, respondent tried on an article of
5 clothing and walked out of the store at which time he was
6 apprehended by store personnel. Respondent was issued a Notice
7 to Appear by the Los Angeles County Sheriff's Department.

8 b. On January 26, 1994, he was convicted by the court
9 on his plea of guilty to violating Penal Code section 459
10 (burglary) in the case entitled People v. Ryan Keith Gilliam, Los
11 Angeles County Superior Court, Case Number KA020695-01. The
12 circumstances of said crime were that on or about October 26,
13 1993, respondent entered a neighbor's locked apartment taking a
14 television and VCR, pawning the items for cash.

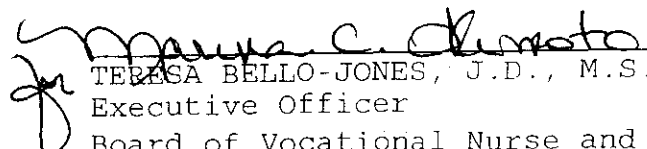
15
16 5. Respondent's application is subject to denial under
17 Business and Professions Code section 480(a)(3) in that he
18 committed acts which if done by a licentiate of the profession,
19 would be grounds for revocation or suspension of a license in
20 that he was convicted of crimes substantially related to the
21 qualifications, functions and duties of a licensed vocational
22 nurse, as more fully set forth in paragraph 4 above. Such
23 conduct would constitute grounds for discipline against a
24 licensee under Business and Professions Code section 2878(f).

25
26 6. Respondent's application is subject to denial under
27 Business and Professions Code section 480(c) in that on

1 August 9, 1996, he knowingly made a false statement of fact
2 required to be revealed in the application by answering "yes" to
3 Question Number 7, "Have you ever been "convicted" of any
4 offense, including traffic violations?" when, in fact, respondent
5 failed to disclose the April 27, 1989 conviction as more fully
6 set forth in paragraph 4.

7
8 WHEREFORE, complainant prays that a hearing be held and
9 following said hearing, the Board make its order denying the
10 application of Ryan Keith Gilliam for licensure as a vocational
11 nurse.

12 DATED May 8, 1997.

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16 TERESA BELLO-JONES, J.D., M.S., R.N.
17 Executive Officer
18 Board of Vocational Nurse and
19 Psychiatric Technician Examiners
20 Department of Consumer Affairs
21 State of California

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26 Complainant

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